

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,) CRIMINAL NO. 15-4268 KG
)
vs.)
)
ANGEL DELEON,)
JOE GALLEGOS,)
EDWARD TROUP, a.k.a. "Huero Troup,")
LEONARD LUJAN,)
BILLY GARCIA, a.k.a. "Wild Bill,")
EUGENE MARTINEZ, a.k.a. "Little
Guero,")
ALLEN PATTERSON,)
CHRISTOPHER CHAVEZ, a.k.a.
"Critter,")
JAVIER ALONSO, a.k.a. "Wineo,")
ARTURO ARNULFO GARCIA, a.k.a.
"Shotgun,")
BENJAMIN CLARK, a.k.a. "Cyclone,")
RUBEN HERNANDEZ,)
JERRY ARMENTA, a.k.a. "Creeper,")
JERRY MONTOYA, a.k.a. "Boxer,")
MARIO RODRIGUEZ, a.k.a. "Blue,")
TIMOTHY MARTINEZ, a.k.a. "Red,")
MAURICIO VARELA, a.k.a. "Archie,"
a.k.a. "Hog Nuts,")
DANIEL SANCHEZ, a.k.a. "Dan Dan,")
GERALD ARCHULETA, a.k.a. "Styx,")
a.k.a. "Grandma,")
CONRAD VILLEGAS, a.k.a. "Chitmon,")
ANTHONY RAY BACA, a.k.a. "Pup,")
ROBERT MARTINEZ, a.k.a. "Baby
Rob,")
ROY PAUL MARTINEZ, a.k.a.
"Shadow," and)
CHRISTOPHER GARCIA,)
Defendants.)

UNOPPOSED JOINT MOTION TO DECLARE CASE COMPLEX

The United States, joined by all defendants, through their counsel, move this Court to declare this matter a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). As grounds for this motion the parties state:

On December 1, 2015, a grand jury returned an eight count indictment charging defendants with violent crimes in aid of racketeering. All but one defendant has been apprehended and arraigned. That defendant has an outstanding warrant and is considered a fugitive.

The government has received thousands of pages of discovery and is continuing to receive from the investigative agency thousands more, which have yet to be disclosed.

In order to provide counsel with a reasonable amount of time for effective preparation, to include reviewing all the discovery with the defendants, the parties seek to vacate the Court's standard scheduling order and to declare this case complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Due to the nature of the prosecution and the number of defendants, this case is so complex that it is unreasonable to expect the defendants to adequately prepare for trial within the 70-day time limit established by 18 U.S.C. § 3161(c)(1).

A failure to grant this motion and require the defendants to proceed to trial within the 70-day time limit likely would result in a miscarriage of justice by denying the defendants adequate opportunity to review the evidence, conduct their own investigations, and resolve any legal issues which may directly impact the outcome of this case.

Allowing time for such review and investigation may lead to the conservation of public and judicial resources, in that it may result in a resolution of the case without the need for trial.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the joined parties believe that the ends of justice served by granting this motion outweigh the best interest of the public and the defendants in a speedy trial.

WHEREFORE, based on the foregoing reasons the United States and defendants, through their counsel, respectfully request that the Court enter an order: (1) designating the above-captioned case as a complex case; (2) vacating any existing discovery orders and the trial and pretrial deadlines presently set in this case; (3) directing the parties to submit a proposed discovery and case management scheduling order; (4) tolling the time limits of the Speedy Trial Act, as it pertains to the defendants, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii); and (5) permitting interim billing by CJA appointed defense counsel.

Respectfully Submitted,

DAMON P. MARTINEZ
United States Attorney

Electronically filed on 1/7/2016

MARIA Y. ARMIJO
RANDY M. CASTELLANO
Assistant United States Attorneys
555 S. Telshor Blvd., Suite 300
Las Cruces, NM 88011
(575) 522-2304 – Tel.
(575) 522-2391 – Fax

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification to defense counsel of record on this date.

/s/

MARIA Y. ARMIJO
Assistant United States Attorney